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Taco Bell Corp.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

POQUITO MAS LICENSING
CORPORATION, a California
Corporation,

Plaintiff,

vs.

TACO BELL CORP., a California
Corporation; and DOES 1-10, inclusive,
Defendants.

TACO BELL CORP., a California
Corporation,

Counter-Plaintiff,

vs.

POQUITO MAS LICENSING
CORPORATION, a California
Corporation, and KEVIN MCCARNEY,
an individual,

Counter-Defendants.

Case No. **CV13-01933 DOC (JPRx)**
Assigned to the
Hon. David O. Carter

DECLARATION OF SERVICE

Date: January 12, 2014
Time: 8:30 a.m.
Courtroom: 9D

Action Filed December 13, 2013

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, 865 South Figueroa Street, Suite 2400, Los Angeles, California 90017-2566.

On December 16, 2014, I served the foregoing document(s) described as:

1. The Under Seal version of Taco Bell's motion for summary judgment, or in the alternative, for partial summary judgment, containing references to information designated "Confidential" and "Highly Confidential - Attorneys' Eyes Only" by Poquito Mas;
2. The Under Seal version of Taco Bell's statement of uncontroverted facts and conclusions of law in support of Taco Bell's motion for summary judgment, or in the alternative, for partial summary judgment, containing references to information designated "Confidential" and "Highly Confidential - Attorneys' Eyes Only" by Poquito Mas;
3. Exhibits 13, 16, 17, 18, and 107 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, consisting of portions of the deposition transcripts of Kevin T. McCarney, Bruce Silverman, Jeffrey Arnold, Vic Rashkovan, and Scott Phillips, which contain references to information designated "Confidential" or "Highly Confidential - Attorneys' Eyes Only" by Poquito Mas;
4. Exhibit 21 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is a Trademark Assignment and Option and Reversion Agreement dated June 1, 2010, which was designated Confidential by Poquito Mas;
5. Exhibit 23 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is Poquito Mas's franchise agreement with Warner Bros. Studio Facilities Inc., which was designated "Confidential" by Poquito Mas;
6. Exhibit 24 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is Poquito Mas's franchise agreement with Freshco Management, Inc., which was designated "Confidential" by Poquito Mas;
7. Exhibit 25 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is Poquito Mas's franchise agreement with One PM, LLC, which was designated "Confidential" by Poquito Mas;
8. Exhibit 26 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is Poquito Mas's franchise agreement with S.O. Fresh, L.P., which was designated "Confidential" by Poquito Mas;

- 1 9. Exhibit 27 to the Declaration of Sean M. Sullivan in support of Defendants'
2 motion for summary judgment, or in the alternative, for partial summary
3 judgment, which is of Poquito Mas's franchise agreement with PM SM TWO,
4 L.P., which was designated "Confidential" by Poquito Mas;
- 5 10. Exhibit 28 to the Declaration of Sean M. Sullivan in support of Defendants'
6 motion for summary judgment, or in the alternative, for partial summary
7 judgment, which is Poquito Mas's franchise agreement with Tercero
8 Management, Inc., which was designated "Confidential" by Poquito Mas;
- 9 11. Exhibit 71 to the Declaration of Sean M. Sullivan in support of Defendants'
10 motion for summary judgment, or in the alternative, for partial summary
11 judgment, which is the Mutual Non-Disclosure Agreement among Taco Bell,
12 FCB, and Kevin McCarney dba Poquito Mas, signed by McCarney on
13 January 5, 2012, which was designated "Confidential" by Poquito Mas;
- 14 12. Exhibit 108 to the Declaration of Sean M. Sullivan in support of Defendants'
15 motion for summary judgment, or in the alternative, for partial summary
16 judgment, which is Poquito Mas's profit and loss statements, which were
17 designated "Highly Confidential - Attorneys' Eyes Only" by Poquito Mas;
- 18 13. Exhibit 111 to the Declaration of Sean M. Sullivan in support of Defendants'
19 motion for summary judgment, or in the alternative, for partial summary
20 judgment, which is a document assigning certain trademarks from Kevin
21 McCarney to Poquito Mas Licensing Corporation, which was designated
22 "Confidential" by Poquito Mas;
- 23 14. Exhibit 14 to the Declaration of Sean M. Sullivan in support of Defendants'
24 motion for summary judgment, or in the alternative, for partial summary
25 judgment, consisting of portions of the deposition transcript of Brian Niccol,
26 which contains references to information designated "Confidential" or
27 "Highly Confidential - Attorneys' Eyes Only" by Taco Bell;
- 28 15. Exhibit 41 to the Declaration of Sean M. Sullivan in support of Defendants'
motion for summary judgment, or in the alternative, for partial summary
judgment, consisting of portions of the deposition transcript of Christopher
Brandt taken on June 11, 2014, which contains references to information
designated "Confidential" or "Highly Confidential - Attorneys' Eyes Only" by
Taco Bell;
16. Exhibit 43 to the Declaration of Sean M. Sullivan in support of Defendants'
motion for summary judgment, or in the alternative, for partial summary
judgment, which is a presentation titled "Taco Bell Loyalists," which was
designated "Confidential" by Taco Bell;
17. Exhibit 44 to the Declaration of Sean M. Sullivan in support of Defendants'
motion for summary judgment, or in the alternative, for partial summary
judgment, which is an email and attachments from Rob Poetsch to Greg
Creed, Brian Niccol, and Tracee Larocca, dated February 13, 2012, the final
six pages of which were designated designated "Confidential" by Taco Bell;
18. Exhibit 48 to the Declaration of Sean M. Sullivan in support of Defendants'
motion for summary judgment, or in the alternative, for partial summary
judgment, which is the National Creative & Interactive Agreement between
Taco Bell and DraftFCB, which was designated "Confidential" by Taco Bell;

19. Exhibit 98 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is an invoice to Taco Bell from Mediaedge:Cia for the airing of Taco Bell's "Branding Campaign" on February 25 and 26, 2012 on the cable network TNT, which was designated "Highly Confidential - Attorneys' Eyes Only" by Taco Bell;
20. Exhibit 102 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is a financial document marked as Exhibit 19 at the deposition of Christopher Brandt on June 11, 2014, which was designated "Highly Confidential - Attorneys' Eyes Only" by Taco Bell;
21. Exhibit 49 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, consisting of portions of the deposition transcript of Gwen Amador taken on November 25, 2014, which contains references to information designated "Confidential" by M/A/R/C Research;
22. Exhibit 83 to the Declaration of Sean M. Sullivan in support of Defendants' motion for summary judgment, or in the alternative, for partial summary judgment, which is a bill from Fross Zelnick Lehrman & Zissu, P.C. ("Fross Zelnick") to Taco Bell's parent company, Yum! Brands, Inc., dated February 24, 2012, memorializing a January 12, 2012 phone call with Eliane Setton, which was designated "Confidential" by Fross Zelnick;
23. The Under Seal version of FCB's motion for summary judgment, or in the alternative, for partial summary judgment, containing references to information designated "Confidential" by Taco Bell and FCB;
24. The Under Seal version of FCB's statement of uncontroverted facts and conclusions of law in support of FCB's motion for summary judgment, or in the alternative, for partial summary judgment, containing references to information designated "Confidential" by Taco Bell and FCB;
25. The Under Seal versions of Exhibits 1 and 3 to the Declaration of Sean M. Sullivan in support of FCB's motion for summary judgment, or in the alternative, for partial summary judgment, containing references to information designated "Confidential" and "Highly Confidential - Attorney's Eyes Only" by Taco Bell and FCB

on the interested parties in this action as stated below:

Brent H. Blakely, Esq.

Cindy Chan, Esq.

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☒ (BY ELECTRONIC MAIL) I caused such documents to be transmitted via electronic mail to the offices of the addressee(s) at the listed electronic mail address(es).

Executed on December 16, 2014, at Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am a member of the bar of this Court at whose direction the service was made.

Dee Keegan
Print Name

s/Dee Keegan
Signature